

AGENDA



Thursday, June 8, 2006

 Back

**Zone Hearings/App Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL
ACTION**

ITEM 107 PH

Subject:

C14-06-0018- 6203 Berkman Drive - Conduct a public hearing and approve an ordinance amending Chapter 25 -2 of the Austin City Code by rezoning property locally known as 6203 Berkman Drive (Fort Branch Creek Watershed) from family residence (SF-3) district zoning to multi-family residence-medium density (MF-3) district zoning. Planning Commission Recommendation: To be reviewed on June 13, 2006. Applicant and Agent: Troy Hanna, City Staff: Robert Heil, 974-2330.

Additional Backup Material

(click to open)

 Staff Report

For More Information:

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0018

P.C. Date: March 28, 2006

ADDRESS: 6203 Berkman Drive

OWNER/APPLICANT/AGENT: Tory Hanna

ZONING FROM: SF-3

TO: MF-3

AREA: 0.5 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of the zoning request.

P.C. NEIGHBORHOOD PLANNING SUB-COMMITTEE RECOMMENDATION:

January 11, 2006: Recommended that this case be postponed until the Windsor Park Neighborhood Plan has developed a draft future land use map or until May 23 which is six months after the first neighborhood planning workshop was held in Windsor Park.

PLANNING COMMISSION RECOMMENDATION:

March 28, 2006: Postponed the case until May 23rd, to allow time for the case to be considered along with the Windsor Park Neighborhood Plan or six months after the plan had begun.

May 23, 2006:

DEPARTMENT COMMENTS:

The rezoning request is from family residence (SF-3) to multifamily residential medium density (MF-3) district zoning.

The site lies within the Windsor Park Neighborhood Planning area which held its first workshop November 5, 2005.

The site is an existing single family residence. To the south are apartments on MF-3 zoned land. To the east, behind the property are to large lot single family homes with multiple accessory out-buildings. To the north is a single family house on a very large SF-3 zoned lot. Across Berkman Drive to the west are more single family homes and a church. The applicant would like to redevelop with a multi-family use, apartments or condominiums.

Compatibility standards along the north and east property lines would severely restrict the amount of land available for multi-family construction. The site is bordered by primarily single family zoning and uses.

Staff recommends denial of the zoning request.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family House
<i>North</i>	SF-3 and MF-3	Single Family House and Apartments
<i>South</i>	MF-3 and SF-3	Apartments and Harris Elementary
<i>East</i>	SF-3	Single Family Homes
<i>West</i>	SF-3	Single Family Homes and Church

AREA STUDY: The site lies within the Windsor Park Neighborhood Planning area which held its first workshop November 5, 2005.

TIA: N/A

WATERSHED: Fort Branch Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Windsor Park Neighborhood Association
- Mueller Neighborhoods Coalition
- Keep the Land
- Anberly Airport Association
- Austin Neighborhood Council
- PODER (People in Defense of Earth and her Resources)

SCHOOLS: (AISD ISD)

Harris Elementary School

Pearce Middle School

Reagan High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification
Berkman Drive	50'	40'	Collector

- There are existing sidewalks along Berkman Drive.
- Berkman Drive is classified in the Bicycle Plan as a Priority 1 bike route.
- Capital Metro bus service is available along Berkman Drive.

CITY COUNCIL DATE:

ACTION:

ORDINANCE READINGS:

1st

2nd

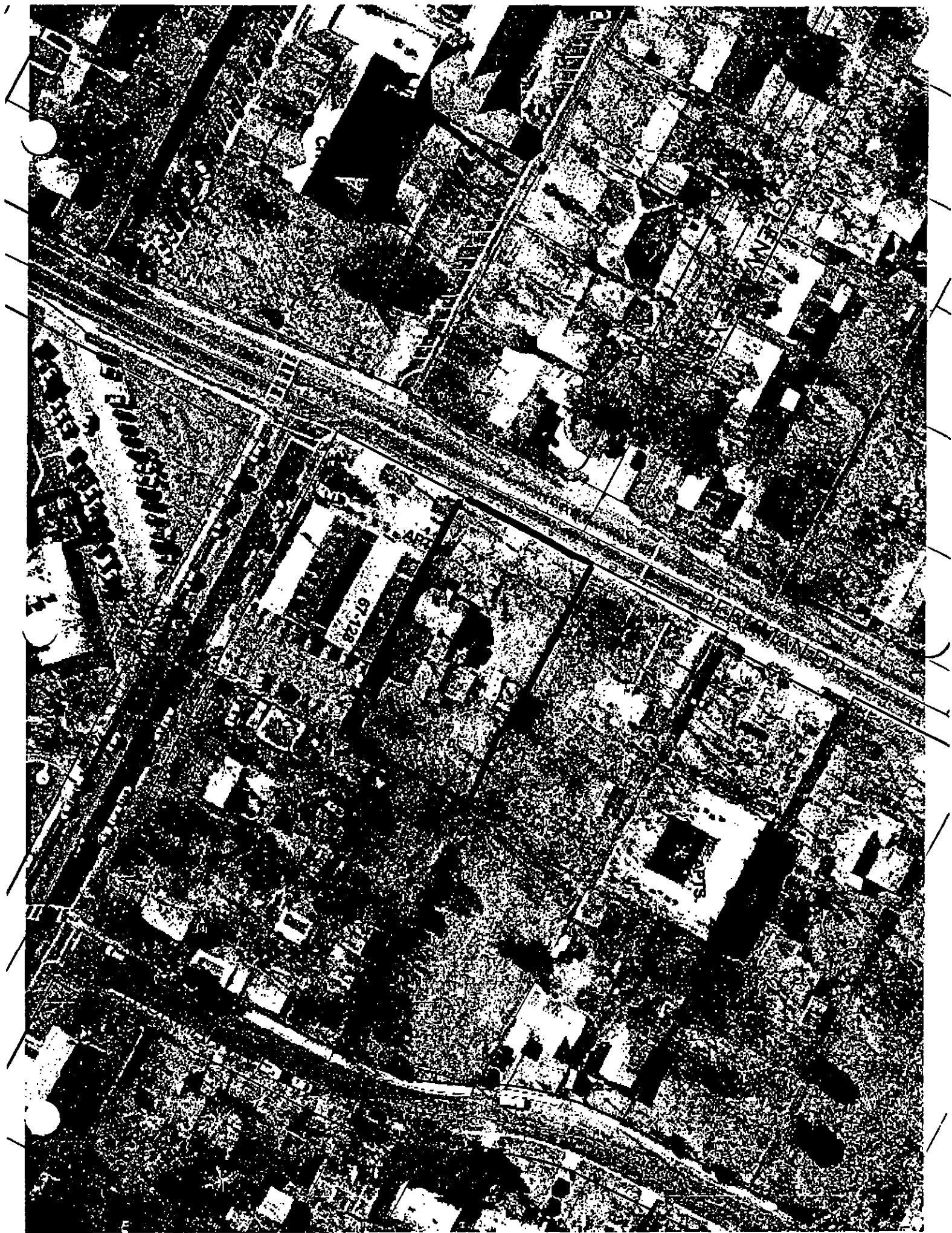
3rd

ORDINANCE NUMBER:

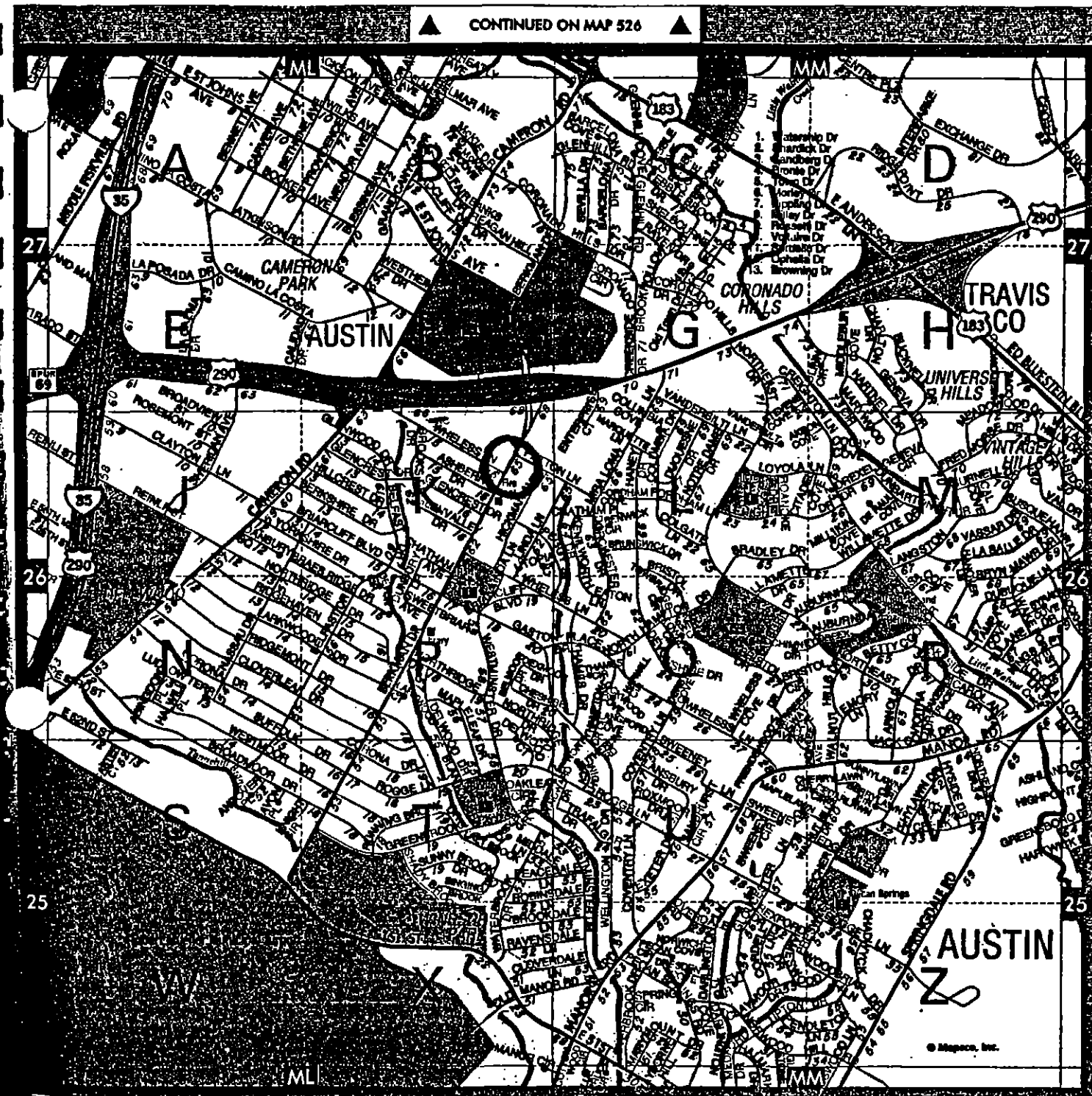
CASE MANAGER: Robert Heil

e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330



CONTINUED ON MAP 526



CONTINUED ON MAP 586

CONTINUED ON MAP 555

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CONTINUED ON MAP 557

SUMMARY STAFF RECOMMENDATION

Staff recommends denial of the zoning request.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Compatibility standards along the north and east property lines would severely restrict the amount of land available for multi-family construction. The site is bordered by primarily single family zoning and uses. Multi-family zoning would not be appropriate on the site.

EXISTING CONDITIONS

The site is an existing single family residence. To the south are apartments on MF-3 zoned land. To the east, behind the property are to large lot single family homes with multiple accessory out-buildings. To the north is a single family house on a very large SF-3 zoned lot. Across Berkman Drive to the west are more single family homes and a church.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district, such as the MF-3 which has been requested, which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards

The site is subject to compatibility standards. Along the west and north property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

Dedication of additional right-of-way may be required during the subdivision or site plan review process.

The trip generation under the requested zoning is estimated to be 120 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Exdsting Street Characteristics:

Name	ROW	Pavement	Classification
Berkman Drive	50'	40'	Collector

There are existing sidewalks along Berkman Drive.

Berkman Drive is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service is available along Berkman Drive.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

~~AB~~

March 28, 2006

James Longmire
1618 Glen Valley Drive
Austin, TX 78723
512-656-5116

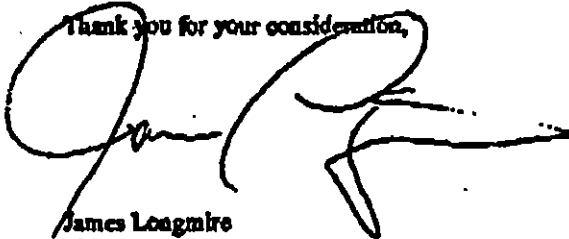
Case Number: C14-06-0018

I object to the zoning of this property to MF-3 on the following reasons:

1. This property is currently zoned SF-3 and I believe a duplex would better fit our current neighborhood situation and preserve the large pecan trees located on this property and enhance our neighborhood.
2. The two apartment complexes to either side of this property have shown numerous cases of criminal activity, and a lack of respect for the neighborhood. The trash generated by these multi family complexes detracts from the area, the shopping carts left in the sidewalks from these complexes interferes with the safe passage of the many handicapped people that live in our neighborhood. If the complexes had a better track record of good management I might be in favor of another apartment complex in the neighborhood, but as anyone can see just driving down Berkman Rd, the five complexes already here are not an asset to the neighborhood. The noise generated from the tenants also detracts from our neighborhood, horn blowing, in parking lot altercations, and the garbage trucks arriving at 3:30 am to empty the dumpsters, all are detractors from me being in favor of yet another apartment complex.
3. I have previously spoke to Mr. Hanna about his present tenants parking in the yard, and yet this activity still persists. This to me, shows that he will not be a very responsible manager of a large complex.
4. I'm not sure how the city's zoning department looks at traffic issues associated with apartment complexes, but again all one has to do is drive down Berkman Rd in the afternoon and experience the congestion from 2 pm until around 7 pm to know that we don't really need another apartment complex in the same block as the current 2 and the elementary school. I personally have witnessed one young person from the Berkman Manor apartments get hit while trying to cross the street during this time. The current complexes do not have enough "green space" for children and thus they tend to play in the parking lots and the streets, neither of which are good places.

I strongly encourage you to maintain the SF-3 zoning and help preserve the neighborhood.

Thank you for your consideration,



James Longmire

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0018
Contact: Robert Heil, (512) 974-2330
Public Hearing:
March 28, 2006 Planning Commission

Your Name (please print)
James Longmire

1618 Glen Valley Drive

Your address(es) affected by this application

Signature

Date 3-28-06

☐ I am in favor
☒ I object

Comments: This property is already zoned SE-3, I believe developer would be better for our neighborhood. The two complexes on either side of this, both have issues with crime and poor maintenance. MR. Heil shows signs abetted with lack of control of this single tenant (4420 Parkview) Also issues with previous cover and drainage on Beckman during RAIN STORMS.

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Robert Heil
P. O. Box 1088
Austin, TX 78767-8810



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Case Number: C14-06-0018

Contact: Robert Heil, (512) 974-2330

Public Hearing:

March 28, 2006 Planning Commission

Susan LaRoux

Your Name (please print)

1619 Glen Valley, 1712 Whelless

Your address(es) affected by this application

Aman Takony

Signature

Date

Comments: I would like to

see this neighborhood
become less mixed
to apartment & more
mixed to singles -
family residences

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

